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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 16th November, 1967:—

BILL No. 113 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.
- 5 2. In the Eighth Schedule to the Constitution,—

Amend-
ment of
Eighth
Schedule.

 - (a) entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively, and
 - (b) before entry "10" as so re-numbered, the entry "9. Nepali." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under the Eighth Schedule to the Constitution, only 15 languages of India have been recognised. 'Nepali' is one of the major languages spoken not only by the entire border district of Darjeeling but also by a large number of people in other districts of West Bengal, Assam and North Bihar. Nepali speaking Gorkha Regiments constitute a sizable portion of India's fighting forces for the defence of the borders.

It is but fair that 'Nepali' should be recognised as one of the major languages and incorporated in the Eighth Schedule to the Constitution.

The Bill seeks to achieve this objective.

NEW DELHI;
The 29th June, 1967.

MATTREYEE BOSE.

BILL No. 137 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title, 1967.

5 2. In the Eighth Schedule to the Constitution,—

(a) entries 7 to 15 shall be re-numbered as entries 8 to 16 respectively, and

Amend-
ment of
Eighth
Schedule,

(b) before entry "8" as so re-numbered, the entry "7. Konkani." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Once a language captures the hearts of the people and gets their acclaim, its official recognition is only a matter of time.

This Bill seeks to give the Fourth Lok Sabha the opportunity of taking the credit for doing the right thing at the right time, by placing the Konkani language in its rightful place in the Eighth Schedule to the Constitution.

NEW DELHI;
The 5th July, 1967.

ERASMO DE SEQUEIRA

BILL No. 138 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1967.	Short title and commencement.
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5 (2) It shall come into force at once.

Omission
of article
291.

2. Article 291 of the Constitution shall be omitted.

Omission
of article
362.

3. Article 362 of the Constitution shall be omitted.

Omission
of article
363.

4. Article 363 of the Constitution shall be omitted.

Amend-
ment of
article
~~366~~.

5. Clause (22) of article 366 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The special rights and privileges that are granted to the erstwhile rulers of the States under the Constitution are completely incongruous with the objectives of the Constitution inasmuch as while the Constitution provides for equality of opportunity and equality before law to all citizens, the ex-rulers possess more rights and privileges than other citizens of the country.

Over five crore rupees are annually paid out of the public money as privy purses to these few hundred erstwhile rulers in a country where millions go to bed without having had a decent meal during the day. While no estimate of the money value of the other privileges like free water, electricity, exemption from paying certain taxes etc., use of palaces and gardens is available, it can certainly be said that these privileges cost several crores of rupees.

The continuance of special privileges including the privy purses could be justified only on one ground, namely, that these former rulers needed some time to adjust themselves to the changing times and to a new mode of living. Twenty years is a fairly long time and the former rulers have had the necessary time to adjust themselves to the changed conditions. There is also enough evidence to suggest that the erstwhile rulers have adjusted themselves to the role of common citizens judging from the fact that a large number of them have joined or sponsored political parties, many have taken to industry, commerce and such other occupations.

The Bill proposes to amend the Constitution so that the spirit of the Constitution and the sacred concept of equality to every citizen embodied therein are upheld and the special rights and privileges enjoyed by the erstwhile rulers are withdrawn.

NEW DELHI;
The 8th July, 1967.

GEORGE FERNANDES.

BILL No. 144 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1967.

(2) It shall come into force at once.

5

Amend-
ment of
article
326.

2. In article 326 of the Constitution, for the word "twenty-one" the word "eighteen" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Bill proposes to amend the Constitution to enable those who have reached the age of eighteen years to vote in the elections to the House of the People and to the Legislative Assemblies of States. Eighteen years is generally deemed as the age when a person attains maturity and is considered to be responsible for his own actions in the eyes of the law.

In many countries of the world, persons who have reached eighteen years of age are permitted to vote in the elections to the Legislatures. The purpose of the Bill is to confer similar rights on the youth of this country.

NEW DELHI;

GEORGE FERNANDES.

The 10th July, 1967.

BILL No. 146 OF 1967

A Bill to provide for the planning and the freedom of the Press.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Press (Planning and Freedom) Act, 1967.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "party press" means a press run by a recognised political party;

(b) "planned press" means a press run by the Press Board set up under the jurisdiction of the Planning Commission;

(c) "press" means the daily, weekly, bi-weekly, tri-weekly, fortnightly, monthly, half-yearly and other periodicals which are published generally at a fixed time in a year.

3. There shall be the following two kinds of the press in the country;

Kinds of
press.

(a) Planned press; and

(b) Party press.

4. (1) There shall be set up under this Act a Press Board to manage and run the planned press.

Establish-
ment and
constitu-
tion of
the Press
Board.

(2) The Press Board shall consist of as many members as there are States and Union territories in the country, one member representing each State or Union territory.

(3) The members shall be competent economists and journalists.

(4) The Chairman of the Press Board shall be a competent economist and journalist and shall be called the Director-General of the Press.

(5) The Press Board shall take over without any compensation private press in India, which has a circulation of 10,000 or above:

Provided that nothing contained in this sub-section shall apply to the party press and the trade union press, whether affiliated or not to any political party, even when it reaches the circulation of 10,000 or above.

5. The planned press shall be financed by the Central Government.

Finance.

Functions
of the
planned
press.

6. The planned press shall—

(a) concentrate on the plans and projects of the Central Government, State Governments and Administrations of the Union territories;

(b) present the national and international news in a non-partisan way; 5

(c) allot more space for letters to the Editor column, articles and book reviews by the people in general.

Subsidies
for run-
ning the
party
press.

7. (1) The Central Government shall grant annual subsidies to each recognized political party for running the party press. 10

(2) A subsidy of five lakh rupees per year shall be given to each political party recognised by the Central Government and a subsidy of one lakh rupees per year to each political party recognised by a State Government.

(3) Whenever a new party is recognized, either at the Centre 15 or the State level it shall receive the subsidy and shall forfeit the subsidy if it loses its recognition.

(4) The subsidy shall be utilised by the party press only for running the press.

(5) The running of the party press shall be left entirely at the 20 discretion of the political party, and the party press shall be free to be guided by party ideologies and programmes.

Constitu-
tion of
news
agency.

8. There shall be constituted a news service called the Planned Press News Service under the Press Board for the dissemination of national and international news. 25

STATEMENT OF OBJECTS AND REASONS

The freedom of the press is one of the greatest bulwarks of liberty. But with the growth of industrialization the press has become more an enterprise and a business than ideal free press. The suppression of the freedom of the press emanates from the owners of the press of larger circulation who by the very nature of capitalism in the advanced stage are in league with other monopolists of the economy in one form or another. The Press Enquiry Commission Report and the Tenth Annual Report of the Registrar of Newspapers for India (April, 1966) have also corroborated the concentration process going on in the Indian press. But socialism, which has been accepted by the people and our Parliament as the realizeable goal of social betterment, demands freedom of the press in that noble sense of the term.

Thus for the realization of the freedom of the press in that ideal sense of the term, the only way-out is to have (1) Planned Press and (2) Party Press.

Hence this Bill.

NEW DELHI;
The 10th July, 1967.

SHIVA CHANDRA JHA.

FINANCIAL MEMORANDUM

The expenditure on the Planned Press, as calculated by the Press Board, would be met from the Central Budget and the expenditure on the Party Press would be met from the grant of a subsidy of five lakhs of rupees per centrally-recognised political party per year and one lakh of rupees per State-recognized political party per year from the Central Budget.

BILL No. 147 OF 1967

A Bill to confer on the Supreme Court additional powers to issue certain writs.

Enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court (Conferment of Additional Powers) Act, 1967.

Short title
and com-
mencement.

5 (2) It shall come into force on the 26th January, 1968.

Power
to issue
directions,
orders or
writs.

2. The Supreme Court shall have power, throughout the territory of India, to issue to any person or authority, including in appropriate cases any Government within the territory of India, directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any other, for any purpose other than the enforcement of the rights conferred by Part III of the Constitution. 5

STATEMENT OF OBJECTS AND REASONS

Article 139 of the Constitution empowers Parliament to confer by law on the Supreme Court powers to issue writs for purposes other than the enforcement of fundamental rights. The High Courts of India have under article 226 this additional power to issue writs "for any other purpose". It is but proper that the Court, which is known as the Supreme Court and the jurisdiction of which extends to the entire territory of India, should have the same powers as the High Courts in the matter of these writs, so that an aggrieved person can approach the Supreme Court direct. All citizens of India will welcome the conferment of this right on the Supreme Court for which our Constitution-makers have in their wisdom made a provision in article 139 of the Constitution. This Bill seeks to confer these powers on the supreme judicial tribunal of our country.

NEW DELHI;

MADHU LIMAYE.

The 18th July, 1967.

BILL No. 131 OF 1967

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1967.

Omission of article 314. 2. Article 314 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In a society wedded to the democratic ideals of equality and social justice, special privileges and vested rights, no matter whether of ex-rulers, bureaucrats, capitalists or Ministers have no place. The guarantees given in article 314 were as much the product of the essential conservatism of the then dominant leadership of the national movement as of the political compulsions characteristic of the transition from the imperialist domination to complete independence.

As a result of this provision the I.C.S. Officers have come to acquire a stranglehold over the administration. This has helped perpetuate snobbery and caste in Government services, glaring inequalities and a built-in resistance to innovation and change. Like the princely privileges and privy purses, the entrenched position of the I.C.S. Officers is also not in consonance with the spirit of the times and so needs to be done away with in the interests of modernisation, equality and social justice.

The Bill provides for the deletion of this constitutional guarantee to this privileged class.

MADHU LIMAYE.

NEW DELHI;
The 18th July, 1967.

BILL No. 148 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Amendment) Act, 1967.
- Amendment of article 100. 2. In article 100 of the Constitution, for clauses (3) and (4), the following clause shall be substituted, namely:—
- “ (3) The quorum of either House of Parliament and the matters connected therewith shall be determined by the Rules of Procedure of the House framed under clause (1) of article 118”.

STATEMENT OF OBJECTS AND REASONS

In most Parliaments of the world, including the British House of Commons, quorum requirement is seldom invoked.

During Half Hour Adjournments, a procedure for raising discussion on urgent matters of public importance in the Commons, the attendance is generally very thin. In our Parliament also attendance is many times below the quorum requirement. There is no propriety in insisting on quorum during discussions of notices not involving substantive motions such as half-hour or short duration discussions under Rules 55 and 193. In the past many such discussions have been killed for want of quorum. This leaves room for considerable mischief. The right to raise these discussions is one among the very few rights enjoyed by private members. It should not be made conditional on the existence of quorum. No question is put at the end of these discussions and there is no voting. Insistence on quorum, therefore, is wholly unnecessary.

This amendment seeks to abolish the present constitutional requirement of quorum and makes it part of the Rules of Procedure.

NEW DELHI;

The 18th July, 1967.

MADHU LIMAYE.

BILL No. 124 OF 1967

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1967.

(2) It shall come into force at once.

5

Amend-
ment of
section 2.

2. In section 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), to clause (5) the following explanation shall be added, namely:—

5 of 1908.

“*Explanation.*—Courts situate within the former Indian States, now forming part of the Indian Union, shall not be deemed 10

to be as foreign Courts from the date of accession of such States to India."

3. To section 38 of the principal Act, the following proviso shall be added, namely:—

Amend-
ment of
section 38.

26 of 1968.

- 5 "Provided that notwithstanding the period of limitation prescribed by the Limitation Act, 1963 for execution of decrees, the decrees passed by Courts situate within the former Indian States, now forming part of the Indian Union, shall be executable by any Court in India, within one year of
10 the passing of this Act, if the said decrees could not so far be executed because the Courts in the said Indian States were held as foreign Courts."

4. To section 43 of the principal Act, the following proviso shall be added, namely:—

Amend-
ment of
section 43.

- 15 "Provided that decrees passed before the 26th day of January, 1950, by Civil Courts situate in the former Indian States, now forming part of the Indian Union, shall be deemed to be decrees passed by British Indian Courts and executable as such."

STATEMENT OF OBJECTS AND REASONS

With the merger of Indian States in India in 1947, and thereafter, it was felt that such States had become part of India and would be governed by all Laws prevailing in India.

2. Ordinances were promulgated by State Unions and Acts passed to make Indian Laws applicable to them. Yet decrees passed by Civil Courts in these Indian States before the Constitution came into force and these States become part of India, have been treated as decrees of foreign courts.

3. The above position is rather anomalous. This Bill seeks to remove this anomaly.

NEW DELHI;

CHAUDHARY NITIRAJ SINGH.

The 25th April, 1967.

BILL NO. 122 OF 1967

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1967. Short title
and com-
mencement.

5 (2) It shall come into force at once.

Amendment
of section 7.

43 of 1951.

2. In section 7 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act) after the words "In this Chapter", the words "and in Chapter V of this Part" shall be inserted.

Insertion of
new chapter
V.

3. In Part II of the principal Act, after Chapter IV, the following Chapter shall be inserted, namely:—

“CHAPTER V

Disqualification of an elected member.

Disquali-
cation for
changing
party allegi-
ance etc.

11C. If any member, after being declared elected resigns from 5
or otherwise changes his allegiance from the party that sponso-
red his candidature for election, or being a candidate not sponso-
red by any party, joins in the Legislature such persons whose
election manifesto was contradictory to his election manifesto in
vital particulars or any party that had set up a candidate against 10
him in his election, he shall be disqualified:

Provided that such member shall not be disqualified for con-
testing the election to be held for filling the vacancy caused by
the said disqualification or any other vacancy:

Provided further that an elected candidate, not sponsored by 15
any party, shall not incur this disqualification if he decides to
work with any party or group in the Legislature in its first session
and such a decision shall be deemed to be in modification of his
election manifesto, and shall be supported by a communication
addressed by him to the authorities of the House of the Legisla- 20
ture in the aforesaid session.”

Amendment
of section 33

4. In section 33 of the principal Act, in sub-section (1), the words
“together with a copy of the election manifesto issued or to be issu-
ed by the candidate duly verified and signed by the candidate and his
proposer, and in case the candidate is sponsored by any party, by a 25
Secretary of that party or any of its units” shall be inserted at the
end.

STATEMENT OF OBJECTS AND REASONS

The practice of crossing the floor by elected legislators has become common. Such practice carries with it betrayal of the voters who elected their representatives on consideration of his party allegiance and election manifesto. Such defections by elected representatives also affects the representative character of the Legislatures and undermines the moral of the country as a whole. It also leads to instability in the Government. The object of the proposed amendment is to force the member desiring to cross the floor to seek fresh election.

SRINIBAS MISHRA

NEW DELHI;

The 24th July, 1967.

BILL No. 128 OF 1967

A Bill to make provision for the appointment and functions of an authority named Lokpal for the investigation of administrative acts in certain cases and for matters connected therewith.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Lokpal Act, 1967.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and com-
mence-
ment.

5

2. In this Act, unless the context otherwise requires,—

(a) "action" includes failure to act;

(b) "Minister" means a person appointed to be a member of the Council of Ministers whether of the Union or of a State and by whatever name called;

(c) "Secretary" means a person appointed to be a Secretary to the Government of India or a State Government.

CHAPTER II

THE LOKPAL

3. (1) The President shall, on the advice of the Prime Minister, appoint a person to be known as the Lokpal for exercising the powers and performing the functions assigned to the Lokpal under this Act.

Appoint-
ment of
Lokpal

(2) The Prime Minister shall tender the advice to the President, referred to in sub-section (1), after consultation with the Chief Justice of India and the Leader of the Opposition in the Lok Sabha, or, if there be no such leader, a person elected for the purpose of this sub-section, by the members of the Opposition in the Lok Sabha, in such manner as the Speaker may direct.

(3) Before he enters upon his office, the person appointed as Lokpal shall,—

(a) if he be a Member of Parliament or of the Legislature of any State, resign his membership of Parliament or of the Legislature, as the case may be;

(b) if he be the holder of any office of profit, resign from such office;

(c) if he be connected with any business, sever his connection with that business;

(d) if he be connected with any political party, sever his connection with that party.

4. (1) Every person appointed as Lokpal shall hold office for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for one more term.

Condi-
tions of
service.

(2) Notwithstanding anything contained in sub-section (1), the Lokpal may,—

(a) by writing under his hand addressed to the President, resign his office at any time;

(b) be removed from his office in accordance with the provisions of sub-section (3). 5

(3) The Lokpal shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the 10 members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

(4) The law, if any, passed by Parliament for regulating the procedure for the presentation of an address and for the investiga- 15 tion and proof of the misbehaviour or incapacity of a Judge under clause (5) of article 124 of the Constitution will also apply *mutatis mutandis* to the Lokpal.

(5) On ceasing to hold office, the Lokpal shall be ineligible for further employment either under the Government of India or under 20 the Government of a State or in any Government Undertaking.

(6) The Lokpal shall be entitled to the same status, salary and allowances and conditions of service as the Chief Justice of India.

5. Every person appointed as Lokpal shall, before he enters upon his office, make and subscribe before the authority prescribed by the 25 President in that behalf, an oath according to the form set out hereunder:—

"I, A. B. having been appointed Lokpal do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and I 30 will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill."

6. (1) The Lokpal may appoint such officers and employees as may be necessary for the efficient discharge of his functions under 35 this Act:

Appoint-
ment of
Officers
and Staff.

Provided that the category of officers and employees and the number thereof that may be appointed under this section shall from time to time be fixed with the approval of the President.

(2) The salaries of persons appointed under this section and their conditions of service shall be such as are approved by the President.

CHAPTER III

FUNCTIONS AND POWERS OF THE LOKPAL

7. (1) Subject to the provisions of this Act, the Lokpal may investigate any action taken by or with the approval of a Minister or Secretary, being action taken in the exercise of his administrative functions, in any case where—

Matters subject to his investigation.

(a) a written complaint is duly made to the Lokpal by a person who claims to have sustained injustice in consequence of maladministration in connection with such action or who affirms that such action has resulted in favour being unduly shown to any person or in accrual of personal benefit or gain to the Minister or to the Secretary, as the case may be, or

(b) information has come to his knowledge otherwise than on a complaint under clause (a) that such action is of the nature mentioned in that clause.

(2) Except as hereinafter provided, the Lokpal shall not conduct an investigation under this Act in respect of any of the following matters,—

(a) any action in respect of which the person aggrieved has or had a right of appeal, reference, or review to or before a tribunal duly constituted by or under any enactment;

(b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that the Lokpal may conduct an investigation notwithstanding that the person aggrieved has or had a remedy by way of proceedings in a court of law if he is satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings.

(3) A complaint shall not be entertained under this Act unless it is made not later than twelve months from the date on which action complained against took place.

(4) The Lokpal may in his discretion refuse to investigate or may cease to investigate an administrative action if he is satisfied that—

(a) a remedy for the injustice alleged to have been caused thereby exists and he is of the opinion that the complainant should seek his remedy accordingly, or

5

(b) the complaint against the action is trivial, frivolous, or is not made in good faith, or

(c) there are no sufficient grounds for proceeding with his investigations.

(5) In any case where the Lokpal decides that he will not investigate or that he will cease to investigate an administrative action complained of or that the complainant should seek his remedy elsewhere, he shall inform the complainant accordingly.

(6) Without prejudice to sub-section (2) of this section, the Lokpal shall not conduct an investigation under this Act in respect of any of the following matters:—

(a) action taken in a matter certified by a Union Minister as affecting the relations or dealings between the Government of India and any foreign Government or any international organisation of States or Governments;

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(b) action taken under the Extradition Act, 1962 or the Foreigners' Act, 1946;

(c) action taken for the purpose of investigating crime or protecting the security of the State including action taken with respect to passports;

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(d) action taken in the exercise of power in relation to determining whether a matter shall go to a court or not;

(e) action taken in matters which arise out of the terms of contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations.

(f) action taken in respect of appointments, removals, pay, discipline, superannuation or other personnel matters.

(g) grant of honours and awards;

35

(h) a decision made in exercise of his discretion by an administrative authority unless the elements involved in the exercise of discretion are absent to such an extent that no discretion has been exercised at all.

5 8. (1) Where the Lokpal proposes to conduct an investigation under this Act, he shall afford the Minister or Secretary concerned an opportunity to comment on any allegations of maladministration made against such Minister or Secretary. Procedure in respect of investigations.

(2) Every such investigation shall be conducted in private and 10 the procedure for conducting an investigation shall be such as the Lokpal considers appropriate in the circumstances of the case.

9. (1) Subject to the provisions of this section, for the purposes of investigation under this Act, the Lokpal may require any Minister or officer or any other person who in his opinion is able to furnish 15 information or produce documents relevant to the investigation to furnish any such information or produce any such document. Evidence.

(2) For the purpose of any such investigation the Lokpal shall have all the powers of a civil court while trying the suit under the Code of Civil Procedure, 1908 in respect of the following matters:— 5 of 1908.

20 (a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of documents;

(c) receiving evidence on affidavits;

25 (d) receiving any public record or copy thereof from any office.

(3) Subject to the provisions of sub-section (4) of this section, no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or persons in Government service, whether imposed by any enactment 30 or by any rule of law, shall apply to the disclosure of information for the purposes of investigation under this Act.

(4) No person shall be required or authorised by virtue of this Act to furnish any information or answer any question or produce any document—

35 (a) which might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime, or

(b) which might involve the disclosure of proceedings of the Cabinet or any committee of the Cabinet:

Provided that for the purposes of this sub-section a certificate issued by the Secretary of the Cabinet of the Central Government or the Chief Secretary of the State concerned with the approval of the Prime Minister or the Chief Minister of the State as the case may be certifying that any information, question or document is of such a nature, shall be conclusive. 5

(5) For the purpose of enforcing the attendance of witnesses, the legal limits of the Lokpal's jurisdiction shall be the limits of the territory of India. 10

(6) Subject to the provisions of sub-section (3) of this section, no person shall be compelled for the purposes of investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before a court. 15

Obstruction and contempt.

10. (1) If any person without lawful excuse obstructs the Lokpal in the performance of his functions under this Act or is guilty of any act or omission in relation to an investigation under this Act which, if that investigation were a proceeding before a court, would constitute contempt of court, the Lokpal may certify the offence to the Supreme Court. For this purpose, if in connection with a complaint made under clause (a) of sub-section (1) of section 7, a person willfully makes a false statement before the Lokpal he shall be deemed to be guilty of an act constituting contempt of court. 20 25

(2) Where an offence is certified under this section, the Supreme Court may inquire into the matter and dispose it of as if it related to a charge of contempt of the Supreme Court itself.

Reports by the Lokpal.

11. (1) After taking into consideration the comments of the Minister or the Secretary, as the case may be, the Lokpal may decide not to proceed further with the investigation in which case he will inform the complainant accordingly. 30

(2) In any case where the Lokpal decides further to conduct an investigation under this Act, he shall send an intimation of the same to the Minister or a Secretary concerned and the complainant. 35

(3) If after conducting an investigation under this Act, it appears to the Lokpal that injustice has been caused to the person aggrieved in consequence of maladministration, he shall inform the Minister

or Secretary concerned, as the case may be, and require that it be remedied within such period as he may in his discretion and having regard to the circumstances of the case deem sufficient.

(4) If the injustice is not remedied or the Lokpal considers that it may not be remedied he may bring the matter to the notice of the Prime Minister or the Chief Minister of the State, as the case may be, who will intimate to the Lokpal the action taken in the matter within a period of two months.

(5) If the Lokpal is satisfied with the action taken, he will close the case, but where he is not so satisfied and he considers that the case so deserves, he may make a special report upon the case to the Lok Sabha or the legislative assembly of the State concerned as the case may be.

(6) If as a result of his investigation the Lokpal comes to the conclusion that the administrative action of a Minister or Secretary has resulted in a favour being unduly shown to any person or in the accrual of a personal benefit or gain to the Minister or the Secretary, as the case may be, he shall communicate his conclusion along with the material on the basis of which he has arrived at the conclusion to the Prime Minister or the Chief Minister concerned. The Prime Minister or the Chief Minister concerned shall thereupon take such action as is considered necessary on the report and inform the Lokpal within two months of the receipt thereof of the action taken or proposed to be taken thereon.

(7) The Lokpal shall lay before the Parliament or the legislature of the State concerned annual reports on the performance of his functions under this Act.

19 of 1923. 30 (12. (1) It is hereby declared that the Lokpal, his officers and other employees are subject to the provisions of the Indian Official Secrets Act, 1923.

(2) Information obtained by the Lokpal or his officers in the course of or for purposes of investigation under this Act shall not be disclosed except—

35 (a) for purposes of the investigation and for any report to be made thereon under this Act;

19 of 1923. (b) for purposes of any proceedings for an offence under the Indian Official Secrets Act, 1923 or an offence of perjury or for purposes of any proceedings under section 10 of this Act.

(3) The Lokpal and his officers shall not be called upon to give any evidence in any proceedings (other than such proceedings as aforesaid) of matters coming to his or their knowledge in the course of an investigation under this Act.

(4) A Minister may give notice in writing to the Lokpal with respect to any documents or information specified in the notice or any class of documents so specified that in the opinion of the Minister the disclosure of the documents or information or documents or information of that class would be contrary to the public interest and where such a notice is given, nothing in this Act shall be construed as authorising or requiring the Lokpal or any officer of the Lokpal to communicate to any person any document or information specified in the notice or any document or information of a class so specified.

(5) No person shall publish any proceedings relating to an investigation which is pending before the Lokpal; nor shall any person publish such proceedings after the investigation is completed unless prior permission for the publication is obtained from the Lokpal.

(6) Any person committing a breach of sub-section (5) of this section shall be treated as having committed contempt for the purposes of section 10 and on any such contempt being certified by the Lokpal, the Supreme Court shall deal with it as if it were a case of contempt before that court.

(7) Nothing in sub-sections (5) and (6) shall apply to the publication of any report sent by the Lokpal to the complainant or to the Lok Sabha or to the legislature of a State as the case may be.

Protection
of action
taken in
good
faith.

13. No suit, prosecution, or other proceeding shall lie against the Lokpal or any of his officers in respect of anything which is in good faith done or intended to be done under this Act.

STATEMENT OF OBJECTS AND REASONS

Corruption with its cancerous growth has been corroding the national fibre. This problem has been agitating the mind of the people. To have an institution on the basis of Ombudsman where corruption charges against Ministers and high officials could be dealt with is very necessary. The Administrative Reforms Commission in its interim report has recommended the appointment of Lokpal. He will be appointed by the President on the advice of the Prime Minister who shall tender such advice after consultation with the Chief Justice of India and the Leader of the Opposition in Lok Sabha. He will be independent of executive and will be insulated against any political or administrative pressure. He will not be removable from office except in the manner prescribed in the Constitution for the removal from office of a judge of the Supreme Court. The institution of Lokpal will go a long way in eradicating corruption.

The recommendations of the Administrative Reforms Commission on this subject have been pending consideration of the Government of India since 20th October, 1966. No action has so far been taken by the Government in this regard.

Hence this Bill.

P. K. DEO.

NEW DELHI;
The 26th July, 1967.

FINANCIAL MEMORANDUM

Clauses 3, 4 and 6 of the Bill, relating to salary and allowances of the Lokpal, his officers and other staff, when enacted would involve expenditure from the Consolidated Fund of India. The initial expenditure of the Central Government will be Rs. 30 lakhs. The recurring annual expenditure will be about Rs. 10 lakhs.

BILL NO. 136 OF 1967

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1967.

Short title
and commence-
ment.

5 (2) It shall come into force immediately or on such date retrospectively or otherwise as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new
sections 7A
and 7B.

2. After section 7 of the Representation of the People Act, 1951, the following new sections shall be inserted, namely:—

“(7A) A person shall stand disqualified for being, a member of the House of the People or the Legislative Assembly of a State, if, he, having been elected on a party symbol or as independent, deserts the said party or does not remain independent, as the case may be. 5

(7B) The disqualification arising by virtue of the provision of section 7A will entitle the member to seek re-election for the said vacant seat.” 10

STATEMENT OF OBJECTS AND REASONS

Ours is a parliamentary democracy and the members of the House of the People and State Assemblies are the duly elected representatives of the public. Effective measures must be evolved for checking the growing practice of floor-crossing in order to ensure political stability, a very high standard of political integrity and also for preserving public morality. This floor-crossing or defectionism puts a premium on political disloyalty and amounts to betraying the confidence and verdict of the electorate. Time has now come to realise the seriousness of the situation and to evolve legislative measures which would disqualify a member on his deserting the party or not remaining independent as the case may be and to make it obligatory for every defector to seek re-election in order to re-establish his credentials to represent his constituency. With this object in view necessary amendments are desirable in the Representation of the People Act, 1951.

NEW DELHI;

OM PRAKASH TYAGI.

The 3rd August, 1967.

BILL No. 129 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1967.

Substitution of article 156. 2. For article 156 of the Constitution, the following article shall be substituted, namely: 5

Term of Office of Governor. “156. (1) The Governor shall hold office for a term of five years from the date on which he enters upon his office.

(2) The Governor may, by writing under his hand addressed to the Speaker of the Legislative Assembly of the State or where there are two Houses of the Legislature of the State, to the Speaker of the Legislative Assembly and Chairman of the Legislative Council of the State, resign his office.

(3) A Governor may, for violation of the Constitution, be removed from office by impeachment, in the manner provided in article 159A of the Constitution.

(4) A Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office."

3. After article 159 of the Constitution, the following new article shall be inserted namely:—

Insertion
of new
article
159 A.

"159A. (1) When a Governor is to be impeached for violation of the Constitution, the charge shall be preferred by the Legislative Assembly of the State.

Procedure
for im-
peach-
ment of
the Gover-
nor.

(2) No such charge shall be preferred unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after a notice in writing signed by not less than thirty members of the Assembly has been given of their intention to move the resolution; and

(b) the resolution has been supported by not less than two-thirds of the total membership of the Assembly.

(3) When a charge has been so preferred, the Speaker of the Assembly shall inform the Chairman of the Council of States and thereupon the Council of States shall appoint a committee which may consist of or include persons who are not members of the Council, to investigate the charge and the Governor shall have the right to appear and to be represented at such investigation.

(4) If as a result of investigation, a resolution is passed, supported by not less than two-thirds of the total membership of the Council of States declaring that the charge preferred against the Governor is sustained, such resolution shall have the effect of removing the Governor from his office as from the date on which the resolution is communicated to the Speaker of the Assembly."

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Constitution of India for impeachment of Governor on the analogy of the impeachment of the President. Under the Constitution, the Governor of a State is appointed by the President by warrant under his hand and seal and holds office during the latter's pleasure. Recently, in different States, exercise of their authority by Governors has been arbitrary and questionable. As the Governor holds office during the pleasure of the President and as the President exercises his functions under the aid and advice of the Council of Ministers of the Government of India, Governors are virtually directly responsible to the Council of Ministers of the Government of India through the President. As a Governor is not impeachable like the President, he is more privileged than the President.

It is high time that the Governor should be subjected to impeachment like the President as provided under article 61 of the Constitution and provision be made in the Constitution for the impeachment of Governor.

Hence this Bill.

NEW DELHI;
The 12th August, 1967.

P. K. DEO.

BILL No. 130 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

5 2. In article 164 of the Constitution, for clause (1), the following clauses shall be substituted, namely:— Amendment
of article
164.

“(1) Within a week (i) after the results of each general election or mid term elections in a State are published, or (ii) after the office of Chief Minister otherwise falls vacant, the

Governor shall summon the Legislative Assembly of the State to elect the Leader of the House who shall be appointed by him as the Chief Minister.

Explanation.—The “Leader of the House” means one who commands the absolute majority of the House for which a second or a third ballot may be held, if necessary, until the absolute majority is obtained.

(1A) Other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor:

10

Provided that in the States of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.”

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not lay down any set procedure for the appointment of the Chief Ministers of States. As a result, our experience has shown in many cases that Chief Ministers have been appointed without taking into consideration the verdict of the electorate, as such appointment is within the discretionary power of the Governor. It is, therefore, high time that the procedure for the appointment of Chief Ministers is laid down.

Hence this Bill.

P. K. DEO.

NEW DELHI;
The 12th August, 1967.

BILL NO. 132 OF 1967

A Bill further to amend the Sugar-cane Act, 1934.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title 1. This Act may be called the Sugar-cane (Amendment) Act, 15 of 1934.
1967.

2. In the Sugar-cane Act, 1934, after the word “sugar-cane”, 5
wherever it occurs, the words “and sugar-beet” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

As 80 per cent of the sugar-cane area lies in the sub-tropical belt extending from Punjab to Bengal in North India and as new dwarf and better varieties of grains have been developed and propagated throughout the region, the relative profit of the sugar-cane cultivation has decreased substantially. If farmers can afford to cultivate the new grains by new technique they will not like to cultivate sugar-cane, because, from sowing to harvesting, sugar-cane takes 18 months time, thus depriving the cultivator with two rabi and one kharif crops.

In this situation only sugar-beet can compete. In field trials sugar-beet have given 800 maunds of production per acre and 18 percent of sugar recovery in Uttar Pradesh, a crop of six months duration. The only alternative for increasing consumption of the sugar lies in large scale production of sugar-beet.

Hence this Bill.

NEW DELHI;

MAHARAJ SINGH BHARTI.

The 16th August, 1967.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill seeks to bring sugar-beet under the purview of the Sugar-cane Act, 1934. Section 7 of the principal Act empowers the Government to frame rules in respect of sugar-cane. As a result of the passing of this Bill, the rules etc. framed in respect of sugar-cane may have to be made applicable in the case of sugar-beet with or without certain modifications. The delegated legislation consequent upon passing of this Bill will be of a normal character.

BILL NO. 149 OF 1967

A Bill to provide for weeding of harmful plants throughout the country with a view to protect agricultural crops.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Weeding of Harmful Plants Act, 1967.

3 (2) It extends to the whole of India.

Short
title and
extent.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "crops" mean all agricultural crops and other crops meant for plantation;

(b) "harmful plants" mean all trees, plants and bushes which come up of their natural growth, which a cultivator does not want to grow and which cause harm to the crops;

(c) "Village Pradhan" means Pradhan of a village panchayat.

Notification of orders for weeding of harmful plants.

3. The Central Government may, by notification in the Official Gazette, issue orders for weeding of harmful plants all over the country or in some part or parts of the country.

10

Responsibility of weeding plants.

4. After the issue of notification by the Central Government, the State Governments shall be responsible for weeding out harmful plants from the whole of the State or any part thereof as may be specified in the notification.

Power to frame rules.

5. (1) For this purpose, the State Government shall be empowered to frame rules whereby it may call upon the cultivators to weed out all harmful plants from their land and burn them within the specified period.

(2) In case any cultivator fails to comply with such orders, the State Government concerned shall itself arrange to weed out the harmful plants and recover the cost thereof from the cultivator as arrears of land revenue.

Weeding of harmful plants in other than agricultural areas and sharing of expenditure.

6. The State Governments shall be entitled to delegate the responsibility for weeding of harmful plants in the area other than agricultural land in villages to the Village Pradhan or in his absence to anybody else who is considered competent by the State Government and the entire expenditure on weeding of harmful plants in such areas shall be borne equally by the Central Government and the State Government concerned.

Weeding of harmful plants outside the jurisdiction of Village Panchayats.

7. The responsibility of weeding of harmful plants from land other than agricultural land outside the jurisdiction of village Panchayats shall be that of the State Government concerned, the expenditure in respect of which shall be equally shared by the Central Government and the State Government concerned.

STATEMENT OF OBJECTS AND REASONS

There are many kinds of plants such as 'Kateli, Pyaji' etc. which are neither consumed by the cattle nor they have any other utility. They have a spontaneous growth in the fields and are responsible for an annual loss of many crores of rupees by consuming the nutrients meant for crops. The cultivators individually take steps to destroy them in their own fields but seeds from harmful plants which grow on the nearby fallow lands, jungles and banks of canals blow into the fields of cultivators resulting in the growth of such plants in those fields. A nation-wide effort is, therefore, needed to weed out harmful plants in order to save crops.

NEW DELHI;
The 16th August, 1967

MAHARAJ SINGH BHARTI.

FINANCIAL MEMORANDUM

A sum of Rs. 5,00,000 would be required to be spent from the Consolidated Fund of India to organize this venture. If efforts are made, 'Shramdan' would be forthcoming from other people in addition to that from cultivators. The present staff of the departments concerned would be helpful in weeding harmful plants from the sides of roads, railway lands and canal-banks. Additional staff might be required apart from the present strength in the Forest Department.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 5 of the Bill seeks to empower the State Governments to frame rules whereby it may call upon the cultivators to weed out all harmful plants in their lands within a period to be specified in the rules.

The delegation of legislative power is of a normal character.

BILL No. 154 OF 1967

A Bill to provide for preparation of compost.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short
title ex-
tent and
commence-
ment.

1. (1) This Act may be called the Compost Act, 1967.
- (2) It extends to whole of India.
- (3) It shall come into force on such date as the Central 5
Government may, by notification in the Official Gazette,
appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'compost' means manure made of any sort of refuse and
garbage, weeds, leaves and plants;

(b) 'Municipality' means local bodies such as Corporation, Municipality, Notified Area Committee, Town Area Committee, etc.;

5 (c) 'Fair' means *painth*, bazar, festivals, *Snan-varsh*, exhibitions and other fairs;

(d) 'Chairman' means Chairman of Zila Parishad or Municipality.

3. The Central Government shall, in cooperation with Government-Conversion
ments of States and Union Territories' Administrations, make of refuse,
10 arrangements in the States and Centrally administered areas, to con- garbage
vert all sorts of refuse, garbage, weeds, leaves and plants into a etc. into
good variety of compost. compost.

4 All village Panchayats and Municipalities shall make arrange- Dumping
ments for dumping refuse and garbage in two different places; i.e. of refuse,
15 (1) refuse and garbage suitable for compost in pits at one place and garbage
(2) pieces of bricks, stones, glass, iron, etc., separately at a different etc. at
place. two dif-
ferent
places.

5. The Chairmen of Municipalities or Zila Parishads responsible Conversion
for organising fairs shall make arrangements for converting refuse, of refuse,
20 garbage, cow-dung etc., collected in these fairs, into compost. garbage
etc. collect-
ed at
fairs into
compost.

6. The Central and State Governments shall give grants to the Grants to
village Panchayats, provided the amount of such grant shall not village
exceed the number of rupees more than the number of persons Panchayats.
populating the village concerned and the Central and State Govern-
25 ments shall contribute towards the amount of such grants equally
and the village Panchayat shall spend the whole amount of sale pro-
ceeds of manure prepared in this manner on further preparation of
compost, construction of latrines and sanitation arrangements.

7. The grants may also be made to Municipalities and Zila Pari- Grants to
30 shads according to their requirements, provided these bodies spend Municipali-
the whole amount of sale proceeds of the compost prepared by them ties and
Zila
on further preparation of compost itself. Parishads.

8. The Central Government may, by notification in the Official Power to
Gazette, make rules to carry out the purposes of this Act, make rules,

STATEMENT OF OBJECTS AND REASONS

If, keeping in view the increased use of fertilizers, arrangements are not made for preparation of compost on a bigger scale, the fertility of land would go down and growth of bacterias would be checked. Being unremunerative, the compost industry requires Government aid. When once compost is prepared, purchased and used on large scale it would result in good crop and the compost industry would become self-reliant and would require lesser grant.

Pieces of bricks, glass etc. are mixed in compost in cities in such large quantity that farmers do not like to purchase it. A lot of refuse and garbage get collected in various fairs which can be utilised for preparing compost.

In preparation of compost the garbage etc. of the entire country would be utilised and in the long run Government would not have to incur any expenditure.

The properties of compost would be manifold better than those derived from fertilizers after spending crores of rupees.

Compost industry requires neither foreign exchange nor machinery.

It will also provide employment opportunities for lakhs of backward and uneducated people in rural and urban areas.

NEW DELHI;
The 4th September, 1967.

MAHARAJ SINGH BHARTI.

FINANCIAL MEMORANDUM

In the initial stages Rs. 5 lakhs would be required but later on the maximum amount of an expenditure of Rs. 50 crores would be involved out of which the Central Government would have to bear only Rs. 25 crores. In the long run this project may become self-reliant.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill seeks to empower the Central Government make rules to carry out the purposes of this Act. The delegation of legislative power is of a normal character.

BILL No. 155 OF 1967

A Bill further to amend the Agriculturists' Loans Act, 1884.

BE it enacted by Parliament in the Eighteenth year of the Republic of India as follows:—

1. This Act may be called the Agriculturists' Loans (Amendment) Act, 1967. Short title.

XII of
1884

5 2. In section 4 of the Agriculturists' Loans Act, 1884, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment of section 4.

“(1A) The rules may also provide so as to enable the farmers to obtain loans from any of the scheduled banks in India”.

STATEMENT OF OBJECTS AND REASONS

There are so many agencies for providing loans to farmers but nowhere farmer gets loan quickly and without offering bribe. He might be given a pass book in which his capacity to take loans be kept up-to-date and scheduled Banks may be authorised to give loans to such farmers according to their capacity. The State Governments may realise the loans from defaulter farmers as arrears of land revenue. Reserve Bank charges only two per cent. per annum as interest for loans taken by Banks for advancing to farmers and farmers pay nine per cent. interest per annum. This will foster healthy competition among the scheduled Banks for giving loans to farmers. Farmers will get their loans according to their capacity quickly and without giving bribe. This will also affect economy in the administrative department of the Government.

NEW DELHI;
The 31st August, 1967.

MAHARAJ SINGH BHARTI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to empower the State Governments to frame rules so as to provide for a convenient and speedy procedure for farmers to get loans from the Banks. The existing procedure is very cumbersome with the result that the farmers have to waste lot of time and energy to complete the formalities before they can get loans. The method of recovery of loans is also not satisfactory. The detailed procedure convenient to the farmers may be prescribed in the rules.

The delegation of legislative power is of a normal character.

BILL No. 133 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1967.

(2) It shall come into force at once.

2. In article 59 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amendment
of article
59.

“(2A) The President shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

3. In article 66 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amendment
of article
66.

“(2A) The Vice-President shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

4. After article 93 of the Constitution, the following new article shall be inserted, namely:—

Insertion
of new
article
93A.

“93A. The Speaker or the Deputy Speaker, as the case may be, shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

Speaker
and
Deputy
Speaker
not to be
a member
of any
political
party.

5. In article 158 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amendment
of article
158.

“(2A) The Governor shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

6. After article 178 of the Constitution, the following new article shall be inserted, namely:—

Insertion
of new
article
178A.

“178A. The Speaker or the Deputy Speaker, as the case may be, shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

Speaker
and
Deputy
Speaker
not to be
a member
of any
political
party.

Insertion
of new
article
182A.

7. After article 182 of the Constitution, the following new article shall be inserted, namely:—

Chairman
and
Deputy
Chairman
not to be
a member
of any
political
party.

“182A. The Chairman or the Deputy Chairman, as the case may be, shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.” 5

STATEMENT OF OBJECTS AND REASONS

In consonance with the highest traditions of the best Parliaments of the world, it is essential that the incumbents of certain high offices under the Constitution should be free from the trammels and constraints that arise from membership of a political party. Else, they will not be above suspicion, and to that extent will be hampered in the proper and efficient discharge of their duties.

Certain recent events have been somewhat disquieting and have highlighted the dangerous anomaly of Constitutional dignitaries adopting a partisan attitude, thereby injuring the fabric of parliamentary democracy.

It is necessary, therefore, to impose certain Constitutional restrictions on the conduct of high dignitaries mentioned above.

The Bill seeks to achieve this object.

NEW DELHI;

S. C. SAMANTA.

The 1st September, 1967.

BILL No. 123 OF 1967

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1967.

(2) It shall extend to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force at once.

Omission
of section
309.

2. Section 309 of the Indian Penal Code, 1860, shall be omitted.

45 of 1860.

STATEMENT OF OBJECTS AND REASONS

Section 309 of the Indian Penal Code provides for punishment of those who attempt to commit suicide. Apart from the philosophical argument, which I do not propose to examine or enter into, that the State has no *locus standi* in a matter which mainly, if not solely, concerns the relation between Man and his Maker, it is obvious that only those who are facing starvation and a slow death, or are otherwise in the grip of dire economic necessity or are labouring under intolerable mental or emotional strain, mostly attempt to commit suicide. Such cases of persons who in the circumstances aforesaid are on the verge of putting an end to their lives call, not for a punitive or retributive approach, but for psychiatric, reformatory treatment and, may be, economic assistance by a welfare State.

It is accordingly proposed to amend the Indian Penal Code by repealing section 309 thereof so as to make any attempt to commit suicide not a penal offence.

NEW DELHI;

S. C. SAMANTA

The 1st September, 1967

BILL NO. 139 OF 1967

A Bill to prohibit bigamous marriages in India.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Prohibition of Bigamous Marriages Act, 1967.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

5

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law or in any personal law for the time being in force, any marriage between two persons solemnized after the commencement of this Act shall be void if on the date of such marriage either party had a husband or wife living, and the provisions of sections 494 and 495 of the Indian Penal Code shall apply accordingly.

Punish-
ment of
bigamy.

STATEMENT OF OBJECTS AND REASONS

Polygamy is a social evil and should be ruthlessly suppressed. The Hindu Marriage Act, 1955, has made bigamous marriages void and bigamy a punishable offence. But polygamy is practised by the people of several other communities in India. This discrimination should go and polygamy should be prohibited for all. The Bill seeks to achieve this object.

NEW DELHI;
The 27th July, 1967.

KAMESHWAR SINGH.

BILL No. 135 OF 1967

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Marriage (Amendment) Act, 1967. Short title,

Amendment
of Section 5

2. In section 5 of the Hindu Marriage Act, 1955—

25 of 1955.*

(a) for clause (iii), the following shall be substituted,
namely:—

“(iii) the bridegroom has completed the age of
twenty-one years and the bride the age of eighteen years
at the time of the marriage;”

(b) clause (vi) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The percentage of food production is very low in comparison to the annual growth of population. Therefore, the present high rate of increase of the population in India poses a threat to the socio-economic structure of the society. To check the birth rate in the country various family planning measures are already being taken. In this context, it seems necessary also to raise the present age of marriage of the boys and the girls in order to reduce the reproduction span and thereby arrest the growth of population.

NEW DELHI;

KAMESHWAR SINGH.

The 27th July, 1967.

BILL No. 127 OF 1967

A Bill to provide for the medical check-up of the President and the Prime Minister of India from time to time at the All India Institute of Medical Sciences, New Delhi, and for matters connected therewith.

BE it enacted by Parliament in the Eighteenth year of the Republic of India as follows:—

1. (1) This Act may be called the Health (Periodical Medical Check-up of President and Prime Minister of India) Act, 1967.

(2) It shall come into force at once.

Short
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ment.

2. (i) "President" means the President of India. Definitions.
(ii) "Prime Minister" means the Prime Minister of India.
(iii) "Institute" means the All India Institute of Medical Sciences, New Delhi.
- 5 3. (1) The President and the Prime Minister, on assuming charge of their respective offices and thereafter every three months shall get themselves medically examined by a panel of specialists comprising the Director and the Heads of Departments of Medicine, Surgery and Pathology of the Institute. Periodical check-up of the President and the Prime Minister.
- 10 (2) The panel of specialists shall request the President and Prime Minister to remain in the Institute till such time as, in the opinion of the panel, might be necessary for the medical check-up.
4. (1) It shall be the duty of the panel of specialists to— Duties of the panel of specialists.
15 (i) make a thorough investigation of the state of health of the President and the Prime Minister and prescribe the best remedies including medicines, the need for rest or change of climate, etc., in order to ensure their good health;
(ii) make a report in writing after the check-up, stating the condition of their health.
- 20 (2) In case of the slightest doubt in regard to any ailment, major or minor, observed during the process of investigation or check-up, it shall be the duty of the panel of specialists to recommend to the Government that the President or the Prime Minister, as the case may be, be requested to enter the Institute for observation and remain there till such time as the panel considers necessary or till the ailment is diagnosed and properly treated.
- 25 5. The report of the panel of specialists shall be laid on the Table of both Houses of Parliament from time to time. Reports of specialists to be laid before Houses of Parliament.
- 30 6. (1) Whenever the President or the Prime Minister goes out of Delhi or out of the country, a medical officer shall accompany him, to provide medical aid. Medical Officer to accompany the President or the Prime Minister

(2) Such medical officer shall arrange to carry with him *inter-alia* the following equipment:—

1. Life-saving emergency drugs and chemicals;
2. Resuscitation equipment like Oxygen Cylinder—Masks and cardiac massage apparatus;
3. Airways and intubation apparatus.

STATEMENT OF OBJECTS AND REASONS

Our two able and well-known Prime Ministers have died in harness in quick succession. The heavy work-load, which ought to have been followed up by proper medical attention, care and check-up from time to time, would undoubtedly go a far way in lessening the tension, fatigue and exhaustion. It is suggested that the President and the Prime Minister whose lives are very dear and precious to the nation should be looked after properly and they should be checked up medically from time to time to ensure good health to them and satisfaction to the entire nation.

Hence this Bill.

NEW DELHI;

AMIYA KUMAR KISHU,

The 18th July, 1967.

FINANCIAL MEMORANDUM

Clause 6 of the Bill will involve expenditure from the Consolidated Fund of India on account of the travelling expenses of the Medical Officer to accompany the President and the Prime Minister on their tours. Although it is not possible to assess the exact amount of the expenditure involved, it is expected that a sum of rupees fifty thousand per annum will be sufficient for this purpose.

S. L. SHAKDHER,
Secretary.